



**State of New Hampshire**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2457 FAX (603) 271-7894



Mr. Kevin Johnson  
Gale River Motel  
1 Main St. Rte 18  
Franconia, New Hampshire 03580

LETTER OF DEFICIENCY  
WMB PBF 03-08  
March 7, 2003

Dear Mr. Johnson:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On March 3, 2003, DES inspected the indoor spa at the Gale River Motel, in Franconia, NH ("the Spa"). During this inspection, the following deficiencies were noted:

- A recommendation to close and drain the Spa was issued on March 5, 2003. The inspection on March 3, 2003 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Spa water:
- a. Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Spa water contained 580 cfu/mL.
  - b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL.
2. Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Spa water was 1.6 mg/L on March 3, 2003.
  3. Pursuant to Env-Ws 1103.16(h), spa water temperature shall not exceed 104°F. The temperature of the Spa water was 109.5°F on March 3, 2003.
  4. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a flow meter.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- The type, manufacture, and model of the flow meter to be installed
2. A timetable of when the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

Gale River Motel  
WMB PBF 03-08  
March 7, 2003  
Page 2

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jody Connor', is written over the word 'COPY'.

Jody Connor  
Limnology Center Director

Certified Mail # 7000 1670 0000 0586 0158

cc: ✓ Mark Harbaugh, Enforcement Attorney, DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Susan Kurtz, Health Officer, Town of Franconia

H:\BIOLOGY\POOLS\Letters-LOD\LOD-2003\LOD.03.08.doc